

TO: SECRETARY ROBERT WEAVER
UNITED STATES DEPARTMENT OF HOUSING
AND URBAN DEVELOPMENT

LOUISE EPPERSON, ALFONSO EDMONDS, RUFUS JACKSON,
GENEVA JONES, MR. AND MRS. HERBERT BEST, DOROTHY
MORTON, MR. AND MRS. ERNIE JONES, WILLA HENRY and
NORMAN COGMAN, and all others similarly situated;
THE NEWARK AREA PLANNING ASSOCIATION; and THE
COMMITTEE AGAINST NEGRO AND PUERTO RICAN REMOVAL,

Complainants,

vs.

THE HOUSING AUTHORITY OF THE CITY OF NEWARK and
THE CITY OF NEWARK

COMPLAINT

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COMPLAINT

I

THE NATURE OF THE COMPLAINT

This complaint opposes two applications submitted by the Housing Authority of the City of Newark to the United States Department of Housing and Urban Development. The first contested application of the Newark Housing Authority requests approval and financing of an urban renewal project designated the Medical Center Urban Renewal Project (NJR - 196), a 46.4 acre project which the Newark Housing Authority proposes to convey in its entirety to the New Jersey College of Medicine and Dentistry. The second application requests approval to change the planned use of land in an existing urban renewal project, the Fairmount Urban Renewal Project (NJR - 72), in order to enable the Newark Housing Authority to convey this additional land to the New Jersey College of Medicine and Dentistry.

Complainants support the decision to locate facilities for medical education in the City of Newark. A reasonably sized medical center designed to meet the health needs of the Newark Community and planned in association with a positive program to

build housing for those it will displace would be welcomed by all citizens of Newark.

Complainants oppose the present applications of the Newark Housing Authority on the following grounds:

(1) The two applications are part of a plan to convey over 150 acres to the New Jersey College of Medicine and Dentistry, an area which exceeds the reasonable needs of the proposed center;

(2) The City of Newark lacks adequate housing to relocate the families and individuals who will be dislocated by the medical center;

(3) The medical center, as planned, will not meet the health needs at Newark and particularly the needs of the Model Cities neighborhood in which it is to be located; and

(4) There has been a failure to provide for participation of Negro citizens of Newark in the planning of this project.

II

COMPLAINANTS

Complainants are individuals and community organizations united in their concern to provide an adequate supply of low rent housing and a high standard of health care for the poor of Newark.

The named individual complainants are Louise Epperson, Alfonso Edmonds, Rufus Jackson, Geneva Jones, Mr. and Mrs. Herbert Best, Dorothy Morton, Mr. and Mrs. Ernie Jones, Willa Henry, and Norman Cogman. They include residents of the Fairmount Urban Renewal Project area, residents of the proposed Medical Center Urban Renewal Project area, and residents of the additional areas committed to the New Jersey College of Medicine and Dentistry. They are acting for themselves and their neighbors, all of whom are residents of Newark's newly designated Model Cities Neighborhood.

The named community organizations are the Newark Area Planning Association and the Committee Against Negro and Puerto Rican Removal. The Newark Area Planning Association is an organization formed to assist the poor people of Newark in planning the development of their neighborhoods. The Committee Against Negro and Puerto Rican Removal is an organization formed to oppose urban renewal programs which have an adverse effect on minority groups in Newark.

III

RESPONDENTS

The Newark Housing Authority is the public agency in the City of Newark responsible for planning urban renewal projects. The City of Newark is responsible for the planning and implementation of Model Cities programs.

IV

THE HISTORY OF THE COLLEGE AND THE PRESENT APPLICATIONS

The New Jersey College of Medicine and Dentistry (hereinafter the College), a newly created state college, presently occupies the facilities of the former Seton Hall College of Medicine and Dentistry in Jersey City. In April 1966, the College began looking for a site for a permanent campus and its Site Advisory Committee selected a 150-acre rural site in the Madison-Chatham area of New Jersey. The City of Newark opposed this decision and the Newark Housing Authority assisted the City in surveying other medical centers to support the City's contention that the College's demand for 150 acres was unreasonable and that a far smaller site offered by the City was all that the College needed. Unable to convince the College to accept a smaller site, the City increased its offer to 185 acres, including an offer of most of the Fairmount Urban Renewal Project, a project which had been previously approved by the Department of Housing and Urban Development. The offer of the Fairmount tract was made although no

application had been submitted to the Department of Housing and Urban Renewal for permission to change the plan for that project. Responding to the City's pressures, the State Senate requested the College's Board of Trustees to conduct public hearings. These hearings were conducted in Trenton, New Jersey in November 1966. At these hearings, the Executive Director of the Newark Housing Authority testified that the urban renewal process could be accelerated in order to provide land quickly for the Medical College. One means of doing so would be to acquire land by condemnation prior to the Department of Housing and Urban Renewal Project and then demand reimbursement from the Federal Government for the cost of acquiring this land. The Executive Director also testified that "buffer zones...can be readily established to take away the fear of the surrounding areas." The Trustees of the College then approved Newark as the College's site on the condition that Newark provide a 50-acre site by March 1, 1968 and enter into a binding obligation to provide additional 100 acres for the College's use.

The New Jersey legislature enacted three laws in March 1967 to enable the City to meet the College's demands. The legislation permitted the City to increase its bonded indebtedness by \$15,000,000, acquire and convey land to the College, and commit future City administrations to convey additional land to the College. The legislation requires the City to provide relocation advisory assistance but does not require the City to assure that relocation housing is available.

In June 1967 the City of Newark and the Newark Housing Authority entered into a contract with the New Jersey College of Medicine and Dentistry to convey up to 150 acres to the College. The Newark Housing Authority promised to convey 10.3 acres in the Fairmount Urban Renewal Project by January 1, 1968 and an additional 9.6 acres in this project by March 1, 1968. The Newark Housing Authority further promised to convey an additional 6.8 acres located in the Fairmount Urban Renewal Project area

within 18 months at a demand by the College for this land. At the time of making these commitments, the Newark Housing Authority had not applied to change the Fairmount Urban Renewal Plan although the plan had called for residential development of a large portion of this land and federal funds for the acquisition of land had been provided pursuant to that plan.

These acts alone constitute violation of the United States Housing Act, Title 42 U.S.C. § 1456(h) which requires redevelopment in accordance with approved urban renewal plans.

The City of Newark promised to acquire and convey to the College by March 1, 1968 the 46.4 acres embraced by the Newark Housing Authority's present application for the Medical Center Urban Renewal Project. The City of Newark further promised to convey an additional 66 acres of land to the College within 18 months of the receipt by the City of notice from the College that the College requires this land. The combined contractual obligations of the City of Newark and the Newark Housing Authority total 139.1 acres.

The Newark Housing Authority's application to amend the plan for the Fairmount Urban Renewal Project is designed to add an additional 9.7 acres to the 139.1 acres already obligated to the College. This additional parcel of 9.7 acres is the largest part of the 11.8 acres now demanded by the College for the erection of temporary facilities. It should be noted that although the Newark Housing Authority committed itself in June 1967 to convey an additional 26.8 acres of the Fairmount project to the College, its amendatory application in September 1967 still indicates that portions of this land are to be used for residential and neighborhood commercial development.

The application for the Medical Center Urban Renewal Project is a Part I Application and has not yet been the subject of a public hearing. The application to amend the Fairmount Urban Renewal Plan has been submitted to the Department of Housing and Urban Development as a minor change in the existing plan.

The proposed change has not been the subject of a public hearing, and will not be unless the Department of Housing and Urban Development so requires. Complainants submit that the proposed change is a major change and should be the subject of a public hearing together with the proposed Medical Center Urban Renewal Project.

V

NEWARK

Newark is a deeply troubled and divided city. As Newark's own Model Cities application states:

Among major American cities, Newark and its citizens face the highest percentage of sub-standard housing, the most crime per 100,000 of population, the heaviest per capita tax burden, the sharpest shifts in population and the highest rate of venereal diseases, new cases of tuberculosis and maternal mortality. In addition, Newark is second among major cities in population density, second in infant mortality, second in birth rate, seventh in absolute number of drug addicts and has a rate of unemployment persistent enough and high enough to make it one of only five cities in the nation qualified for special assistance under the Economic Development Act.

These physical characteristics alone, however, do not entirely describe Newark's distress. There is also a total breakdown in communication between the Negro citizens of Newark and their government. Immediately prior to this past summer's tragic riots, Negro citizens spent eight days at public hearings, called to determine whether the Medical College Urban Renewal Project area should be declared blighted, attempting to explain to city officials their deep concern over urban renewal projects which resulted in less rather than more housing for the city's poor. Neither the City of Newark nor the Newark Housing Authority have shown any recognition of this concern. The continuing failure of the City of Newark and the Newark Housing Authority to revise plans for the College is but additional evidence to Negro citizens of Newark that their problems and opinions are not considered by their own government. Having failed to obtain redress from their local government, complainants now seek relief from appropriate federal authorities.

VI

THE MEDICAL SCHOOL SITE IS UNREASONABLY LARGE

Complainants object to the size of the site demanded by the College and offered by the City of Newark and the Newark Housing Authority. The contract between the New Jersey College of Medicine and Dentistry embraces 139.1 acres: 26.8 acres in the Fairmount Urban Renewal Project area, 46.4 acres in the proposed Medical Center Urban Renewal Project area, and an additional 66 acres outside these areas. The proposed amendment to the Fairmount Urban Renewal Plan is intended to allow the conveyance of an additional 9.7 acres to the College. The Newark Housing Authority further plans to convey 9.9 acres of land adjacent to the proposed Midtown Connector, Route 75. Added to the 7.5 acres already devoted to medical purposes in the area, the City Hospital and the City Nursing Home, the total acreage of the medical center will be 166.2 acres. The acreage demanded by the College is beyond its reasonable needs. If the demand is granted it will result in the tragic and unnecessary dislocation of thousands upon thousands of low income Negroes.

The offer of this land by the Newark Housing Authority and the City of Newark did not result from a conclusion of either body, after a study of the reasonable needs of the proposed medical center, that the College required so much land. It resulted from the mere process of political bargaining, the matching and indeed bettering of an offer of land in a suburban community. In fact, prior to the offer of the present site, the Newark Housing Authority and the City of Newark had offered a far smaller site, totalling not more than 36 acres, contending that the larger area demanded by the College exceeded its reasonable needs. The problems of land utilization are different in cities than they are in suburbs. A college planned in a spacious suburban environment, displacing only trees and grass, cannot be transplanted into a densely populated urban environment without consideration for the people whose homes and neighborhoods will be destroyed.

Is the area blighted or not?
Is relocation unnecessary? If not, why not?
If not, why not?
If not, why not?

An examination of the College's plans shows that its acreage demands are far in excess of its needs. The College, in its first stage of development, plans to build a 272 bed teaching hospital, classroom facilities for 480 medical students and 320 dental students, a science building, library, auditorium, and boiler plant. Translated into construction terms, the College has identified a need for 1,159,000 gross square feet of construction to meet its now foreseeable needs. It proposes to carry out this construction on the 46.4 acres of the Medical Center Urban Renewal Project over a five-year period, using the Fairmount Urban Renewal Project area for temporary facilities at this time. At a later date, the College proposes to double the volume of its construction in the area of the Medical Center Urban Renewal Project, and at an indefinite time in the future expand into the remainder of the more than 150 acres promised to it in order to construct as yet undefined, unidentified, and unquantified volumes of buildings. If the 1,159,000 gross square feet of presently identified construction were carried out at an average height of only four stories and covered only one-half of its site area, it would require approximately 13.4 acres of land. If the College expanded considerably by quadrupling its facilities while continuing to build at an average height of four stories and still covering only one-half of its site, it would not need more than 53.6 acres or one-third of its present demand. Building at an average height of four stories in the heart of a densely populated urban center is irresponsible, and is especially so in a city so deeply immersed in a housing crisis. Additionally, the College will be constructing activity centers such as hospital and research facilities which are most appropriately and efficiently housed in taller buildings. If the College's facilities were to be built at six stories, a more reasonable height in an urban environment, then nine acres would permit the construction of 1,159,000 square feet of buildings while covering only half the site. The College could then expand by

What is nature of crisis?
a. Quantitative? (many more)
b. Qualitative? (7% displaced)

quadrupling its volume of building, without exceeding 36 acres, or the area the Newark Housing Authority and the City of Newark first offered to the College.

A comparison of the facilities proposed and the area demanded by the College with the facilities and size of other urban medical centers further shows that the College's demand is unreasonable. The New England Medical Center, including Tufts University School of Medicine, serving 434 medical and 400 dental students, occupies eight acres and plans, when fully developed, to occupy only 13 acres. Temple University plans to fully develop its medical campus by 1975, using 26.25 acres to house 3,764,180 square feet of building, or $3\frac{1}{4}$ times the amount of building currently planned by the New Jersey College of Medicine and Dentistry. The Temple University complex will not only include a teaching hospital, but educational facilities for 1144 medical students, 780 dental students, 425 pharmacy students, and 525 students in allied areas of health. These numbers far exceed those planned by the New Jersey College of Medicine and Dentistry. The Yale University Medical Center provides educational and research facilities for 764 students, and includes a teaching hospital of 828 beds, while occupying only 20.8 acres of a 30-acre site. The University of Pennsylvania Medical Center has 512 medical students, 195 students in allied areas of health, a 940-bed teaching hospital, complex research facilities and occupies only 13.5 acres. The Downtown Medical Center of the State University of New York occupies only 15 acres but provides educational and research facilities for 800 medical students, 200 nursing students, and 80 students in physical and occupational therapy. Johns Hopkins University School of Medicine has an enrollment of 377 medical students and 129 other students, as well as its noted hospital and occupies only 16 acres. These comparisons strengthen the conclusion which can be drawn from the College's plans alone. The acreage demanded by the College, which the Newark Housing Authority now seeks to provide in large part through funds from the Department of Housing and Urban Development, is unreasonable.

The applications of the Newark Housing Authority to the Department of Housing and Urban Development fail to justify the need for the acreage included within them, and fail to even recognize commitments to convey additional land to the College. The Housing Authority's application to amend the Fairmount Urban Renewal Project even fails to be candid about portions of the Fairmount Project which the Housing Authority has contracted to convey to the College but which are still designated for residential and neighborhood commercial development.

The Department of Housing and Urban Development's responsibilities extend beyond the approval and financing of individual urban renewal projects. It was created to carry out the national purpose of the "sound development of the Nation's communities and metropolitan areas...." It cannot fail, as the Newark Housing Authority has failed, to consider the full implications of the College's plans, including those which extend beyond the physical limits of the urban renewal projects involved. The sound development of the City of Newark requires an assessment of the totality of the College's plan.

Moreover, both the existing and the proposed urban renewal area to be used by the College, and the area designated for expansion, lie within Newark's recently designated Model Cities neighborhood. To the Department of Housing and Urban Development's general responsibility to foster the sound development of communities, the Demonstration Cities and Metropolitan Development Act (Model Cities) adds the requirement that federal grant-in-aid programs, such as urban renewal projects, be "closely related to the physical and social problems in the area of the city covered by the program...." P.L. 89-754 (105.C).

Land is perhaps Newark's most limited resource. As noted by Newark's Model Cities application, "Newark has the smallest land area among major American cities, and almost 25 percent of the city is covered by Newark airport, Port Newark or uninhabitable wastelands." It is the second most densely

populated city in America, and may in its habitable portions be the most densely populated city. Any process which wastefully misuses land squanders the resource upon which development depends. Land is vitally needed for housing; land is vitally needed for a full range of community facilities in addition to medical centers. If the Department of Housing and Urban Development is to foster the sound development of Newark, it must not abet the misuse of this scarce and invaluable resource.

The nature of the City of Newark's commitment to convey additional land to the College is also the proper subject of the Department of Housing and Urban Development's concern. The City has contracted to convey 56 acres to the College outside either the Fairmount or Medical Center Urban Renewal Projects, within 18 months of notice by the College that the land is needed. This commitment extends into the indefinite future; in fact, special legislation was adopted by the New Jersey legislature to enable Newark to so bind future city administrations. The inevitable result of this commitment will be the rapid deterioration of the homes and neighborhoods of thousands more low income Negroes. Predictably, landlords will cease improving or even maintaining their properties and the level of municipal services will decline. The result of this federally financed project will be the spread of blight rather than its containment and elimination. It will intensify physical and social problems in a significant portion of Newark's Model Cities Neighborhood.

Complainants therefore request that the Department of Housing and Urban Development reject the applications of the Newark Housing Authority on the ground that the site of the College, as planned and agreed to by contract, is unreasonably large. Complainants further submit that the Department of Housing and Urban Development has the obligation and the authority to require the Newark Housing Authority, the City of Newark, and the New Jersey College of Medicine and Dentistry to rescind their contract to convey 150 acres to the College, as a condition for the approval of any revised applications for federal financial assistance in acquiring any land for resale to the College.

VII

NEWARK LACKS ADEQUATE RELOCATION HOUSING

The second ground on which complainants oppose the applications of the Newark Housing Authority is that Newark lacks relocation housing for the persons to be displaced by the College. If these applications are approved, most of the 3500 persons living in the proposed new urban renewal area, and ultimately over 10,000 in the entire project area will be forced into substandard, costly, and segregated housing elsewhere in Newark, or be forced out of the City entirely. This will result from a program approved and financed under a federal statute, the United States Housing Act of 1949, which has as its objective "the goal of a decent home and a suitable living environment for every American family...." 42 U.S.C. § 1441. It will occur in violation of the clear requirement of the same statute that, as a condition for federal approval of an urban renewal plan, "there are or are being provided, in the urban renewal area or in other areas not generally less desirable in regard to public utilities and public and commercial facilities and at rent, or prices within the financial means of the individuals and families displaced from the urban renewal area, decent, safe, and sanitary dwellings equal in number to the number of, and available to such displaced individuals and families and reasonably accessible to their places of employment." 42 U.S.C. 1455(c) (1).

The Newark Housing Authority has submitted to the Department of Housing and Urban Development a mass of statistics, often inaccurate and misleading, in an effort to mask the obvious. The statistics are arranged to say that Newark's existing supply of housing is adequate to the task. It is clear, however, that Newark lacks the housing it needs. The housing it has is generally old and run-down. Newark's own Model Cities applications states that "among major American cities, Newark and its citizens face the highest percentage of substandard housing...." The only way Newark can assure relocation housing is to build it.

Thousands of Newark's citizens now live in areas designated as blighted by the Newark Housing Authority and the City of Newark. Sixty-five (65) percent of the dwelling units in the Medical Center Urban Renewal Project area, occupied by 796 families and individuals, are substandard. Newark's citizens, and particularly those who are poor and black, live in substandard housing, not out of choice but only because Newark does not have an adequate supply of standard low rent housing. The statistics used by the Newark Housing Authority cannot create houses which do not exist.

The Lack of Sufficient Private Relocation Housing

The Newark Housing Authority claims that 6,070 private dwelling units, or 4.4% of the dwelling units the Housing Authority claims to exist, are vacant and presumably available to relocatees. In so claiming the Newark Housing Authority has seriously overstated the number of vacant dwelling units in Newark, and has violated Federal laws and regulations by failing to subtract from total vacancies those dwelling units which are substandard, those which rent beyond the financial means of displaced, and those which are closed to negroes by discrimination.

In fact, complainants' analysis shows that the number of actual standard vacancies outside areas designated for clearance does not exceed 1,423, or 1.8% of all dwelling units in Newark, and that less than a third, or 800 of these units, meet the requirements of being the right size for displaced, within their financial means, and available to non-whites. During 1965 alone, approximately 3150 families and individuals, including all living in the Medical Center Project Area which by contract must be cleared by March 1, 1968, will be relocated by public action in Newark. Over twice as many households will be relocated. Therefore, as there are available vacancies in which to relocate,

The best estimates available show that there are 134,838 dwelling units in Newark, or approximately the same number of dwelling units as existed in 1960. On the other hand, the number

of households (the total of families and individuals living alone) increased during the period 1960 to October 1966, from 127,772 to 130,312. (If the population trend continued, then the number of households now exceeds 130,312.) The difference between the number of current dwelling units, 134,835, and the number of households, 130,312, shows that there are only 4,506 vacancies, in the City, or 3.3% of all dwelling units as of November 1, 1967. The total number of vacancies, or the gross vacancy rate, is not available as a relocation resource. Vacancies in areas designated for clearance, substandard housing, post middle income and all high income housing, and housing restricted by discriminatory practices must be eliminated to determine the actual availability of relocation housing.

A significant number of vacant units in Newark are located in areas designated for clearance under urban renewal and highway programs, and the area marked for expansion by the College Island. Newark's Model Cities application states that 77% of the City's housing vacancies are found within the Model Neighborhood, an area which contains 8 ongoing or planned urban renewal projects. Prior to the June 1967 blight hearings, the Newark Housing Authority reported that 11% of the dwelling units in the Medical Center Urban Renewal Project area were vacant. Using 11% as a conservative estimate of vacancies in project areas designated for clearance, complainants project that there are at least 1187 dwelling units vacant in such areas. These dwelling units must be deducted from the gross vacancy rate, as the Newark Housing Authority may not remove persons from the path of one bulldozer only to place them in the path of another.

Substandard dwellings must also be deducted from the total of gross vacancies. The Housing Act specifically requires that relocation housing be "decent, safe, and sanitary." 42 U.S.C. § 1453(c)(1). Newark's own Code Enforcement Program reports that 34% of Newark's housing is substandard. Considering

only those units outside of areas designated for clearance. Complainants conservatively estimate that 17% of Newark's housing stock is substandard and unusable as a relocation resource. The deduction of these dwelling units leaves no more than 1,421 standard units available outside areas designated for clearance, or a net vacancy rate of 1.8%.

Not only must relocation housing be standard, but it must be available "at rents or prices within the financial means of the individuals and families displaced from the urban renewal area..." 42 U.S.C. 1455(c)(1). In the medical center area, the financial means of most of the families and individuals to be displaced are limited. They are poor people, and they need low priced rental units. Petitioners estimate that at least half of the standard available vacant dwelling units in Newark are priced beyond the financial means of low income displaced.

Complainants further submit that a large portion of the remaining vacancies are too small for the large families of Negro and Puerto Rican displaced. Illustrating this, reports of the Federal Housing Authority and the Newark Housing Authority show that the majority of new housing units constructed in Newark since 1960 have been units with two or less bedrooms and most of these have been one bedroom or efficiency apartments, unsuitable for Negroes and Puerto Ricans the size of whose average households exceeds the size of white households.

Complainants analysis shows, using the Newark Housing Authority's own data, the following mismatching of demand, financial means, and the availability of private housing: there are 114 times as many families who will be displaced who require three bedroom apartments but who cannot afford more than \$70 a month than there are three bedroom apartments available annually at those rents; there are 102 times as many families who will be displaced who require four bedroom apartments but who cannot afford more than \$70 a month than there

are four bedroom apartments available annually at those rents, and there are 34 times as many families who will be displaced who require five bedroom apartments but who cannot afford more than \$70 a month than there are five bedroom apartments available annually at those rents. These facts are but illustrative of a more comprehensive analysis which the Newark Housing Authority could have undertaken if it had been so inclined.

Finally, the little housing in Newark which is standard and available at rent within the financial means of displaced is further limited by racial discrimination. In 1960, 23,000 of the 27,363 dwelling units in Newark defined by the census as adequate (units with plumbing), were located on city blocks on which not one non-white resided. Although residential patterns have changed since 1960, there is still strong evidence that discriminatory practices still exclude Negroes from significant portions of the City's supply of standard housing. The Newark Housing Authority in no way even recognizes this problem, its Report on Minority Group Considerations is hardly acceptable, and there is no attempt to even pretend compliance with the Department of Housing and Urban Development's regulation on minority group considerations, Urban Renewal Manual, § 10-1:

The Local Public Agency shall assure that the project will not result in a reduction of the supply of dwellings available in the community to minority group families. This requirement is in recognition of the generally limited supply of housing available to these families.

A project which will result in a substantial net reduction in the supply of housing in the project area available to minority group families may be undertaken only if the following conditions are met:

- (1) Standard housing replacing the loss is provided elsewhere in the community in new or existing dwelling units not previously available to the minority group.**

The Newark Housing Authority totally ignores this requirement just as it does the impact of discrimination on the availability

of standard low rent housing is a pre-existent factor in its equations.

The Lack of Sufficient Public Housing for Relocation

Complainants submit that the present stock of public housing in Newark provides a meager resource of relocation housing. This is recognized by Newark's Model Cities application which states that "because of the persistent, sustained demand for public housing, there is a need to expand the present inventory," and further, that "the increased tempo of renewal, highway construction and the clearance which will be caused by the Model Neighborhood program will create a substantial additional need for public housing units."

The Newark Housing Authority relies upon all units in public housing which become vacant during the course of a year as relocation housing. Accordingly, it states that 1400 units are available. According to the Newark Housing Authorities own statistics, actual vacancies at any given time do not exceed 200 units, or 2% of all units. Few units are actually vacant because the general demand for public housing is very high. There are approximately 4,000-5,000 families on public housing waiting lists. This fact alone is an indication of the unavailability of standard low rent housing in Newark. Of course, the Newark Housing Authority can bar these 4,000-5,000 needy families and provide public housing for only persons displaced by urban renewal projects. To do so, however, would deepen the distress of many who have waited so patiently so long. Again, as in the case of private housing, the only way to solve the problem of public relocation housing is to build it.

Basic Principles of Relocation

The different appraisal of the Newark Housing Authority is the result of serious inaccuracies in data and the use of misleading and improper assumptions by the Housing Authority.

An initial error committed by the Housing Authority is the misstatement of the number of dwelling units in Newark. In its relocation report dated August 17, 1967, the Housing Authority states that, according to building permits issued, 4,611 new dwelling units were built while 2,832 units were demolished since 1960, leaving a net increase of 1,785 dwelling units. A year ago (in mid-1966) the Housing Authority had reported that 4,739 private units and 2,174 public units had been constructed since 1960, and that 3,826 dwelling units had been demolished since 1960, leaving a net increase of 3,087 dwelling units. Complainants analysis shows that while permits for 8,262 dwelling units, public and private, were issued from 1960 through October 1967, permits for the demolition of 8,118 dwelling units were also issued. In the first ten months of this year alone, permits for the demolition of 3,631 dwelling units were issued, including at least 3,030 to the Newark Housing Authority itself.

A second significant error by the Housing Authority is its failure to account for the increase in Newark's population. Newark's Model Cities application reports an increase in Newark's population since 1960 from 405,000 to 415,000. Complainants analysis shows an increase in households, reflecting the increase in population. However, the greater the number of households the fewer the dwelling units which will be vacant. The Newark Housing Authority omits this consideration.

A third significant error by the Newark Housing Authority is its use of a misleading and improper vacancy rate. The Housing Authority relies on the vacancy rate recorded in 1960 U.S. Census of 5.3%. This vacancy rate is a gross rate including all substandard housing. The Housing Authority could

have computed from census statistics an available vacancy rate of 4.14%, a figure excluding substandard units. The Housing Authority chose not to do so. All extrapolations from the 1960 vacancy rate are correspondingly inaccurate and misleading.

These major errors, compounded by the failure of the Housing Authority adequately to consider the problems of low income families with large families, and its further failure to consider the impact of discrimination, produce a grossly distorted conclusion as to the adequacy of relocation resources. The Housing Authority's estimates of relocation demands are no less accurate. It strikingly omits individual displacees from its schedule of displacement, and pretends a control of highway displacement which has little support. In 1966, for example, it predicted that displacement from a highway project, Interstate 280, would be spread over 4½ years and end in 1970. In fact, nearly all the people to be displaced by this highway were dislocated within one year. The Housing Authority furthermore fails to include persons living in the 66 acre portion of the medical center site who can be displaced any time the College demands so. Apparently, no responsibility is assumed for these people.

Conclusions

Although the Newark Housing Authority has reduced its relocation workload over the last few years, and typically without explanation, even its current reported workload of 6642 families and 1963 individuals is far in excess of its ability to provide or find relocation housing. The lack of relocation housing precludes the approval of Newark's applications.

Newark requires a program of housing construction prior to any further displacement of people by public action. In fact, compliance with the provisions of the Demonstration Cities and Metropolitan Development Act of 1966 requires that

demonstration cities build housing in order to satisfy the law's relocation requirements. In addition to meeting the requirements of relocation requirements of the Housing Act of 1949, cities participating in Model Cities must assure the Secretary of the Department of Housing and Urban Development that "relocation activities are coordinated to the maximum extent feasible with the increase in the supply of decent, safe, and sanitary housing for families and individuals of low or moderate income, as provided under the comprehensive city demonstration program, or otherwise, in order to best maintain the available supply of housing for all such families and individuals throughout the city." P.L. 89-754, § 107(a). No such assurance has been forthcoming from Newark.

Complainants therefore request that the Department of Housing and Urban Development reject the applications of the Newark Housing Authority on the ground that Newark lacks adequate housing to relocate persons displaced by public action and that an extensive program of low rent housing construction is necessary to provide relocation housing in advance of any dislocation.

VIII

THE COLLEGE'S FAILURE TO MEET THE HEALTH NEEDS OF THE COMMUNITY

The third ground on which complainants oppose the applications of the Newark Housing Authority is the failure of the New Jersey College of Medicine and Dentistry to plan medical facilities and programs which will substantially improve health care in the Model Cities Neighborhood in which it will be located. In failing to do so, the College fails to satisfy the requirements of the Demonstration Cities Act "that no federal grant-in-aid program shall be considered to be carried out in connection with such demonstration program unless it is closely related to the program and unless it can reasonably be expected

to have a noticeable effect upon such problems." P.L. 89-754, § 105(c).

The medical center will not satisfy these requirements because (1) admission to the teaching hospital will be on a highly selective basis, (2) the center will have an inadequate relationship to the City Hospital, (3) there will only be a minimal addition to the emergency, out-patient and maternity facilities in the neighborhood, and (4) no comprehensive community health program has been planned.

The College program provides for a small 272 bed teaching hospital. Admission to the hospital will be on a highly selective basis and cases will have a high utilization period. The community which the College plans to serve is not the Model Cities Neighborhood, but the entire northern New Jersey region. The community will still be required to seek whatever health services are available at the existing City Hospital.

The City Hospital itself is in an extremely deteriorated condition. Its ancillary facilities are very old and deficient and the bed tower is in poor condition. It is an outdated, deteriorated and overused hospital upon which the Negro community, in particular, depends for substantially all its health care. In spite of the tens of millions of dollars which will be used to develop the medical center, there are no plans to renovate the City Hospital. Although the College now intimates that it will consider administering the City Hospital, the intended relationship is not clear. It is clear that the teaching hospital is being designed as a self contained teaching and research world that can and may function in complete isolation from the City Hospital.

Without private physicians or community health centers (the City Health Department has one clinic, which is located outside the Model Neighborhood and is overcrowded) the Negro community depends heavily on the emergency and outpatient

facilities of hospitals. Model Cities application recognizes that the City Hospital's outpatient facilities are "extremely limited and clearly inadequate." The College's program, however, provides for emergency facilities which are far below minimal standards set for Medical Education Facilities by the United States Public Health Service. Furthermore, the medical center's outpatient facilities will only be 50% of those recommended by the Public Health Service. It is clear that the New Jersey College of Medicine and Dentistry does not intend to serve the community whose residents it will displace.

One striking illustration of the failure to serve community health needs is the College's nearly total disregard of Newark's inability to provide minimal maternity care. Newark has the highest rate of maternal mortality in the nation, and the second highest rate of infant mortality. Additionally, Newark has the second highest birth rate among major cities. Yet, the New Jersey College of Medicine and Dentistry's proposal provides for only 34 maternity beds and most of these will be available for selective admissions or referrals and staff physician's patients. Out of this 150 acre development, Newark's mothers might expect an increase of four or five maternity beds for community use.

Complainants therefore request that the applications of the Newark Housing Authority be rejected until such time as the Housing Authority and the College set forth a program responsive to the health needs of the community and which complies with the requirement of the Model Cities Act.

IX

NEWARK'S FAILURE TO PROVIDE FOR CITIZEN PARTICIPATION

The fourth ground on which complainants oppose the applications of the Newark Housing Authority is that Newark's Negro citizens have been denied effective participation in the planning of the medical center project. This denial has directly contributed to the basic failings of the project as planned. If meaningful citizen participation had been allowed from the outset then a program responsive to the need of Newark's Negro community might have been devised.

The regulations of the Department of Housing and Urban Development clearly require the participation of minority group representatives in planning projects will reduce the supply of housing to minority groups. Urban Renewal Manual, § 10-1. The Model Cities Act requires "widespread citizen participation." P.L. 89-754, § 103(a)(2). As stated by the Department of Housing and Urban Development's Model Cities Planning Requirements:

Widespread citizen participation is a basic statutory requirement. Cities must work closely with neighborhood residents in all phases of the formulation of the plan as well as its execution. The process of involving residents in decision-making during the planning and program implementation should result in a program that is responsive to their needs and recognizes and develops their competence as individuals and citizens.
§ 1.7.

Mere consultation is not enough, but citizens must be "fully involved in policy-making, planning, and execution of all program elements." Clearly, these requirements have been ignored by Newark.

X

CONCLUSION

In conclusion, complainants request that the Department of Housing and Urban Development reject the Part I application of the Newark Housing Authority for its proposed Medical Center Urban Renewal Project and the Housing Authority's application to amend the Fairmount Urban Renewal Project. Unless these applications are rejected, thousands upon thousands of low income

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Negroes will be forced from their homes into substandard, costly, and segregated housing, and an invaluable opportunity to raise the level of health care in Newark's Negro community will be lost. The approval of these applications will only serve to deepen the despair and alienation of this community.

Complainants request that these applications be rejected on the basis of the allegations in this complaint. If any of these allegations are disputed, complainants request that a fact finding procedure be established whereby the positions of the Newark Housing Authority and the New Jersey College of Medicine and Dentistry, as well as that of the complainants, may be mutually subject to full and open scrutiny. In any event, complainants request that neither application of the Newark Housing Authority be approved prior to a public hearing in Newark.

Respectfully submitted,

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